

March 15, 1982

LB 202

RECESS

SENATOR LAMB PRESIDING

SENATOR LAMB: We need ten more people before we can start the afternoon's business. Senator Kremer, would you care to register your presence. Record.

CLERK: There is a quorum present, Mr. President.

SENATOR LAMB: Do you have some things to read in, Mr. Clerk?

CLERK: No, sir, I do not.

SENATOR LAMB: The first item on the agenda is Special Order, LB 202, Senator Chambers.

CLERK: Mr. President, LB 202 (title read). The bill was first read, Mr. President, on January 15 of last year. At that time it was referred to the Judiciary Committee. Mr. President, it was advanced to General File.

SENATOR LAMB: The Chair recognizes Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I wish that there were more of us here today but there not being more, I will go on with what we have. This is a bill that I have brought repeatedly since being in the Legislature. The purpose is to substitute a 30 year mandatory prison sentence for the death penalty. For those of you who may not have been here during any of the previous discussions of this bill, the 30 year mandatory sentence would be effective because it would prevent the granting of good time for the purposes of reducing a sentence until after 30 years have been served. The Attorney General's Office has already upheld this penalty as being valid. I think we can...we will proceed. We won't let little distractions bother us too much. The way that the law is now a person convicted of first degree murder must be given a second sentencing hearing after being convicted. That group or individual who will pronounce the sentence will be the trial judge or a panel of three judges, the trial judge and two others, or if the trial judge for any reason should be disqualified, the Chief Justice then would appoint three judges. So the process works now that you have a trial. If you are found guilty of first degree murder, then there is a second hearing for sentencing purposes. This hearing is conducted in a court with certain statutory requirements related to aggravating and mitigating circumstances. The aggravating circumstances are those which make the crime